

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23227 of 2007

Between:

Kankipati Mulayya.

.. PETITIONER

and

The Revenue Divisional Officer and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23237 of 2007

ORDER:

It is the case of the petitioner that his father purchased the land admeasuring Ac.5-67 cents in Sy.No.238/1 of Kambalampalem, H/o.Sarabhavaram village, Devipatnam Mandal, East Godavari District, in the year 1944. After the death of his father, the petitioner by succession became the owner of the said property and he is in continuous possession and enjoyment of the said land.

While so, the Special Deputy Tahsildar (TW) and the 3rd respondent herein filed L.T.R.P.No.163 of 2004 before the Special Deputy Collector (TW), Rampachodavaram, East Godavari District, under Section 3(1) of A.P.Scheduled Areas Land Transfer Regulation 1/59 as amended by 1/70 for restoration of the land to the Government custody after ejecting the petitioner.

The Special Deputy Collector (TW), through order, dated 30-11-2004, dismissed L.T.R.P.No.163 of 2004. Aggrieved by the same, the Special Deputy Tahsildar (TW) filed C.M.A.No.90 of 2005 before the Additional Agent to the Government, Rampachodavaram and the said C.M.A. was allowed through order, dated 06-01-2007. Aggrieved by the same, the petitioner filed a revision before the Government on 12-01-2007. Pending disposal of the revision, the petitioner filed W.P.No.1242 of 2007 before this Court seeking a direction not to evict the petitioner from the land in question, pending revision. Accordingly, this court through order, dated 23-10-2007 disposed of the said writ petition directing the Revisional Authority to dispose of the revision and pending revision, directed both the parties to maintain status-quo obtaining as on 23-10-2007.

It is case of the petitioner that on the next day of allowing the appeal by the Additional Agent to the Government, i.e., on 07-01-2007, the land in question was assigned in favour of the 3rd respondent herein through proceedings in Ref.B/4/2007. Aggrieved by the said order, the petitioner filed an appeal before the 1st respondent under Section 5(5) of A.P.Rights in Land and Pattadar Pass Books Act, 1971. It is stated that so far the 1st respondent has not considered and disposed of the said appeal.

I am not inclined to express any opinion on the merits of the case. But,

however, when an appeal is filed, it is for the Appellate Authority to consider and dispose of the same as to whether the appeal filed by the petitioner is maintainable or not and whether D-Form patta granted in favour of the 3rd respondent is in accordance with law or not.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent to consider and dispose of the appeal filed against the proceedings in Ref.No.B/4/2007, dated 07-01-2007, in accordance with law, as expeditiously as possible, without any undue delay. There shall be no order as to costs.

02-11-2007

Prv